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Attorneys for Cirrus Exploratory Sites, L.P.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CIRRUS EXPLORATORY SITES, L.P., a
Texas limited partnership,

Plaintiff,

v.

FIRST AMERICAN CORPORATION, a
California corporation, dba FIRST
AMERICAN TITLE INSURANCE
COMPANY; HORTON-SHIPNUCK
LIVING TRUST under agreement dated
July 18, 2000, a California trust, DAVID
E. SHIPNUCK, trustee, of the HORTON-
SHIPNUCK LIVING TRUST; LESLIE K.
SHIPNUCK, an individual; and Does 1
through 25, inclusive,

Defendants.

Civil Action No. CV 07-6459 PJH

**PROOF OF SERVICE RE
SUMMONS AND COMPLAINT**

Attorney or Party without Attorney: DOUGLAS W. STERN, Bar #82973 FULBRIGHT & JAWORSKI L.L.P. 555 SOUTH FLOWER STREET 41ST FLOOR LOS ANGELES, CA 90071 Telephone No: 213-892-9200 FAX No: 213-892-9494				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: CIRRUS EXPLORATORY SITES, L.P., ETC. Defendant: FIRST AMERICAN CORPORATION, ETC., ET AL.					
PROOF OF SERVICE SUMMONS IN A CIVIL CASE		Hearing Date:	Time:	Dept/Div:	Case Number: CV076459 PJH

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS IN A CIVIL CASE; COMPLAINT; CIVIL COVER SHEET; ECF REGISTRATION INFORMATION HANDOUT ; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION ; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES ; DROP BOX FILING PROCEDURES; CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; ORDER REQUIRING JOINT CASE MANAGEMENT STATEMENT AND APPEARANCE AT CASE MANAGEMENT CONFERENCE; NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS; WAIVER OF SERVICE OF SUMMONS
3. a. Party served: HORTON-SHIPNUCK LIVING TRUST, UNDER AGREEMENT DATED JULY 18, 2000, A CALIFORNIA TRUST
 b. Person served: DAVID E. SHIPNUCK, TRUSTEE, AUTHORIZED TO ACCEPT SERVICE. SERVED UNDER F.R.C.P. RULE 4.
4. Address where the party was served: 82 MELWAY CIRCLE
 MONTEREY, CA 93940
5. I served the party:
 b. by substituted service. On: Fri., Jan. 11, 2008 at: 6:43PM by leaving the copies with or in the presence of:
 MRS. SHIPNUCK, WIFE.
 (1) **(Business)** a Person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
 (4) A declaration of mailing is attached.
7. **Person Who Served Papers:**
 a. JAZELLE RIVERA

Recoverable Cost Per CCP 1033.5(a)(4)(B)

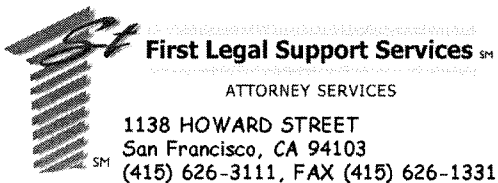
d. **The Fee for Service was:**

e. I am: (3) registered California process server

(i) Independent Contractor

(ii) Registration No.: 57

(iii) County: Monterey



8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, Jan. 15, 2008

Jazelle Rivera
 (JAZELLE RIVERA)

Attorney or Party without Attorney: DOUGLAS W. STERN, Bar #82973 FULBRIGHT & JAWORSKI L.L.P. 555 SOUTH FLOWER STREET 41ST FLOOR LOS ANGELES, CA 90071				For Court Use Only	
Telephone No: 213-892-9200 FAX: No: 213-892-9494		Ref. No or File No.:			
Insert name of Court, and Judicial District and Branch Court: U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: CIRRRUS EXPLORATORY SITES, L.P., ETC. Defendant: FIRST AMERICAN CORPORATION, ETC., ET AL.					
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date:	Time:	Dept/Div:	Case Number: CV076459 PJH

1. I, JAZELLE RIVERA, and any employee or independent contractors retained by FIRST LEGAL SUPPORT SERVICES are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant HORTON-SHIPNUCK LIVING TRUST, UNDER AGREEMENT DATED JULY 18, 2000, A CALIFORNIA TRUST as follows:

2. **Documents:** Summons In A Civil Case; Complaint; Civil Cover Sheet; Ecf Registration Information Handout ; Notice Of Availability Of Magistrate Judge To Exercise Jurisdiction ; Order Setting Initial Case Management Conference And Adr Deadlines ; Drop Box Filing Procedures; Contents Of Joint Case Management Statement; Order Requiring Joint Case Management Statement And Appearance At Case Management Conference; Notice Of Lawsuit And Request For Waiver Of Service Of Summons; Waiver Of Service Of Summons.

Day	Date	Time	Location	Results
Sun	01/06/08	4:26pm	Business	THE SUBJECT IS NOT IN PER FEMALE, HE IS OUT OF THE COUNTRY FOR 3 WEEKS. Attempt made by: JAZELLE RIVERA. Attempt at: 82 MELWAY CIRCLE MONTEREY CA 93940.
Tue	01/08/08	6:56pm	Business	NO ANSWER AT THE DOOR. Attempt made by: JAZELLE RIVERA. Attempt at: 82 MELWAY CIRCLE MONTEREY CA 93940.
Fri	01/11/08	6:43pm	Business	Substituted Service on: HORTON-SHIPNUCK LIVING TRUST, UNDER AGREEMENT DATED JULY 18, 2000, A CALIFORNIA TRUST Business - 82 MELWAY CIRCLE MONTEREY, CA. 93940 by Serving: DAVID E. SHIPNUCK, TRUSTEE, AUTHORIZED TO ACCEPT SERVICE. SERVED UNDER F.R.C.P. RULE 4. a Person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served by leaving a copy of the document(s) with: MRS. SHIPNUCK, WIFE.. Served by: JAZELLE RIVERA
Tue	01/15/08			Mailed copy of Documents to: HORTON-SHIPNUCK LIVING TRUST, UNDER AGREEMENT DATED JULY 18, 2000, A CALIFORNIA TRUST

3. **Person Executing**
a. JAZELLE RIVERA
b. **FIRST LEGAL SUPPORT SERVICES**
1138 HOWARD STREET
SAN FRANCISCO, CA 94103
c. 415-626-3111

Recoverable Costs Per CCP 1033.5(a)(4)(B)

d.. **The Fee for service was:**

e. I am: (3) registered California process server
(i) Independent Contractor
(ii) Registration No.: 57
(iii) County: Monterey

4. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, Jan. 15, 2008

AFFIDAVIT OF REASONABLE DILIGENCE

(JAZELLE RIVERA)

Attorney or Party without Attorney: DOUGLAS W. STERN, Bar #82973 FULBRIGHT & JAWORSKI L.L.P. 555 SOUTH FLOWER STREET 41ST FLOOR LOS ANGELES, CA 90071 Telephone No: 213-892-9200 FAX No: 213-892-9494				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: CIRRUS EXPLORATORY SITES, L.P., ETC. Defendant: FIRST AMERICAN CORPORATION, ETC., ET AL.					
PROOF OF SERVICE By Mail		Hearing Date:	Time:	Dept/Div:	Case Number: CV076459 PJH

- I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
- I served copies of the SUMMONS IN A CIVIL CASE; COMPLAINT; CIVIL COVER SHEET; ECF REGISTRATION INFORMATION HANDOUT ; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION ; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES ; DROP BOX FILING PROCEDURES; CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; ORDER REQUIRING JOINT CASE MANAGEMENT STATEMENT AND APPEARANCE AT CASE MANAGEMENT CONFERENCE; NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS; WAIVER OF SERVICE OF SUMMONS
- By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:
 - Date of Mailing: Tue., Jan. 15, 2008
 - Place of Mailing: LOS ANGELES, CA 90026
 - Addressed as follows: HORTON-SHIPNUCK LIVING TRUST, UNDER AGREEMENT DATED JULY 18, 2000, A CALIFORNIA TRUST
82 MELWAY CIRCLE
MONTEREY, CA 93940
- I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Tue., Jan. 15, 2008 in the ordinary course of business.
- Person Serving:
 - Thomas Tilcock
 - FIRST LEGAL SUPPORT SERVICES
1511 W. BEVERLY BLVD
LOS ANGELES, CA 90026
 - 213-250-9111
 - The Fee for Service was:
 - I am: Not a Registered California Process Server

Recoverable Cost Per CCP 1033.5(a)(4)(B)

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, Jan. 15, 2008

